

New England Biolabs, Inc.
32 Tozer Road
Beverly, MA 01915

DECLARATION
AND POWER OF ATTORNEY
Original Application

Attorney Docket No. NEB-180

As a below named inventor, I hereby declare that:

My residence, post address and citizenship are as stated below next to my name

I believe that I am the original, first and sole inventor (in only one name is listed at 201 below) or an original, first and joint inventor (if plural names are listed at 201-203 below) of the subject matter which is claimed and which a patent is sought on the invention entitled:

USE OF SITE-SPECIFIC NICKING ENDONUCLEASES TO CREATE SINGLE-STRANDED REGIONS

AND APPLICATIONS THEREOF

which is described and claimed in:

☒ the attached specification or ☐ the specification in Application Serial No. _____ filed _____

(for declaration not accompanying application)

And was amended on _____

if applicable

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendments referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a). I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

FOREIGN APPLICATION(S) IF ANY, FILED WITHIN 12 MONTHS PRIOR TO THE FILING DATE OF THIS APPLICATION			
COUNTRY	APPLICATION	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			YES NO
			YES NO
ALL FOREIGN APPLICATION(S) IF ANY, FILED MORE THAN 12 MONTHS PRIOR TO THE FILING DATE OF THIS APPLICATION			
COUNTRY	APPLICATION	(day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (Patented, Pending, Abandoned)

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AND POWER OF ATTORNEY
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POWER OF ATTORNEY:

As a named inventor, I hereby appoint the following attorney with full powers of association, substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Gregory D. Williams
(Registration No. 30901)

SEND CORRESPONDENCE TO:

Gregory D. Williams
General Counsel
New England Biolabs, Inc.
32 Tozer Road
Beverly, MA 01915

DIRECT TELEPHONE CALLS TO:

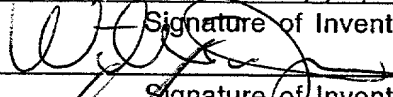
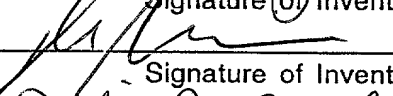
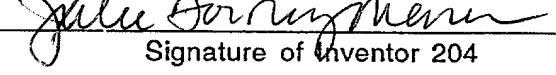
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2	Full Name of Inventor	Last Name Jack	First Name William	Middle Name E.
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1	Post Office Address	Post Office Address 31 Mayflower Drive	City/State/Country Wenham, MA	Zip Code 01984
2	Full Name of Inventor	Last Name Schildkraut	First Name Ira	Middle Name
0	Residence & Citizenship	City Cerrillos	State/Foreign Country New Mexico	Citizenship US
2	Post Office Address	Post Office Address P.O. Box 392	City/State/Country Cerrillos, NM	Zip Code 87010
2	Full Name of Inventor	Last Name Menin	First Name Julie	Middle Name Forney
0	Residence & Citizenship	City Newburyport	State/Foreign Country Massachusetts	Citizenship US
3	Post Office Address	Post Office Address 83 Lime Street	City/State/Country Newburyport, MA	Zip Code 01950
2	Full Name of Inventor	Last Name	First Name	Middle Name
0	Residence & Citizenship	City	State/Foreign Country	Citizenship
4	Post Office Address	Post Office Address	City/State/Country	Zip Code
2	Full Name of Inventor	Last Name	First Name	Middle Name
0	Residence & Citizenship	City	State/Foreign Country	Citizenship
5	Post Office Address	Post Office Address	City/State/Country	Zip Code

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AND POWER OF ATTORNEY
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2	Full Name of Inventor	Last Name	First Name	Middle Name
0	Residence & Citizenship	City	State/Foreign Country	Citizenship
6	Post Office Address	Post Office Address	City/State/Country	Zip Code
2	Full Name of Inventor	Last Name	First Name	Middle Name
0	Residence & Citizenship	City	State/Foreign Country	Citizenship
7	Post Office Address	Post Office Address	City/State/Country	Zip Code
2	Full Name of Inventor	Last Name	First Name	Middle Name
0	Residence & Citizenship	City	State/Foreign Country	Citizenship
8	Post Office Address	Post Office Address	City/State/Country	Zip Code
2	Full Name of Inventor	Last Name	First Name	Middle Name
0	Residence & Citizenship	City	State/Foreign Country	Citizenship
9	Post Office Address	Post Office Address	City/State/Country	Zip Code

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

	Signature of Inventor 201	Date	November 20, 2000
	Signature of Inventor 202	Date	Oct 17, 2000
	Signature of Inventor 203	Date	November 20, 2000
	Signature of Inventor 204	Date	
	Signature of Inventor 205	Date	
	Signature of Inventor 206	Date	
	Signature of Inventor 207	Date	
	Signature of Inventor 208	Date	
	Signature of Inventor 209	Date	

- ☒ Applicant W.E. Jack, et al. ☐ Patentee _____
☐ Application No. ☐ Patent No. _____
☐ Filed on ☐ Issued on _____

Title: Use Of Site-Specific Nicking Endonucleases To Create
Single-Stranded Regions And Applications Thereof

STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c))—SMALL BUSINESS CONCERN

I hereby state that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern New England Biolabs, Inc.

Address of Small Business Concern 32 Tozer Road
Beverly, MA 01915

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above, with regard to the invention described in

- ☒ the specification filed herewith, with title as listed above.
☐ the application identified above.
☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate statements are required from each named person, concern or organization having rights to the invention as to their status as small entities. (37 CFR 1.27)

Each such person, concern or organization having any rights in the invention is listed below:

- ☐ No such person, concern, or organization exists.
☒ Each such person, concern or organization is listed below.

Name New England Biolabs, Inc.
Address 32 Tozer Road
Beverly, MA 01915

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

Name _____
Address _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b))

(check the following item, if desired)

NOTE: The following verification statement need not be made in accordance with the rules published on Oct. 10, 1997, 62 Fed. Reg. 52,131, effective Dec. 1, 1997.

NOTE: "The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under § 10.18(b) of this chapter. Violations of § 10.18(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under § 10.18(c) of this chapter. Any practitioner violating § 10.18(b) may also be subject to disciplinary action. See §§ 10.18(d) and 10.23(c)(15)." 37 C.F.R. § 1.4(d)(2).

☒ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing Gregory D. Williams
Title of Person if Other Than Owner Assistant Clerk
Address of Person Signing 32 Tozer Road
Beverly, MA 01915

SIGNATURE



Date

11/29/00